

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : PRELIMINARY ORDER OF
: FORFEITURE/FINAL ORDER
: AS TO DEFENDANT ROBERT FORMAN'S
INTEREST IN PROPERTY
-v- :
ROBERT FORMAN, : 03 Cr. 904 (LMM)
:
Defendant. :
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WHEREAS, on or about July 23, 2003, Robert Forman (the "defendant"), was charged in a four count Information 03 Cr. 904 (LMM) (the "Information") with conspiracy to counterfeit visas and passports and to traffic fraudulent identification documents, in violation of 18 U.S.C. § 371; Fraud and misuse of United States visas, permits, and other documents, in violation of 18 U.S.C. §§ 1546 and 2; Forgery and false use of passports, in violation of 18 U.S.C. §§ 1543 and 2; Identification document fraud, in violation of 18 U.S.C. §§ 1028(a)(4), (b)(1)(A), (c)(3) and (f);

WHEREAS, the Information charged that all of the defendant's right, title and interest in the following property is subject to criminal forfeiture pursuant to Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461 because it was property involved in the charged offenses and because it was property constituting and derived from proceeds obtained directly and/or indirectly as a result of the charged offenses:

(A) \$11,250 in United States currency, seized from the defendant's apartment on April 11, 2003 (the, "Subject Property";

WHEREAS, on or about July 23, 2003, the defendant pled guilty, pursuant to an Agreement with the Government, to all counts of the Information;

WHEREAS, in the plea agreement, the defendant agreed, inter alia, to forfeit to the United States all of his right, title and interest in the Subject Property;

WHEREAS, on or about March 29, 2007, the defendant was sentenced and ordered to forfeit the Subject Property;

WHEREAS, pursuant to 21 U.S.C. § 853(g), the United States is, by virtue of said guilty verdict, now entitled, pending any assertion of third-party claims, to reduce the Subject Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The defendant's right, title and interest in the Subject Property are forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21 U.S.C. § 853(n).

2. The aforementioned Subject Property is to be seized pursuant to this Preliminary Order of Forfeiture and is to be held

thereafter by the United States Marshals Service (or its designee) in its secure custody and control.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States Marshals Service forthwith shall publish, at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the Marshals intent to dispose of the Subject Property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed Subject Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Subject Property and any additional facts supporting the petitioner's claim and the relief sought.

4. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property, which is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

5. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

8. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney, Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
March 29, 2007

SO ORDERED:


HONORABLE LAWRENCE M. MCKENNA
UNITED STATES DISTRICT JUDGE